

Claims 1, 5, 6, 11, 12, 14 and 16-24 are in the application. Claims 1, 12 and 14 are the independent claims herein. The pending claims stand rejected and are now presented for reconsideration in view of the arguments set forth below.

Claim Rejections – 35 USC § 102(b)

Claims 1, 5, 6, 11, 12, 14, 16-24 are rejected under 35 USC § 102(b)¹ as being disclosed by U.S. Patent No. 6,317,728 (“Kane”).

At the outset, applicants find it curious that the Examiner chooses to rely on the Kane reference in connection with a case such as this one, in which the claimed subject matter is primarily concerned with user interfaces. By contrast, Kane is essentially directed to an unattended or autonomous securities trading system, and there is little or no discussion in Kane of any interface between the user and the system. While Kane’s system presumably would have some sort of user interface (though none is described), there is nothing in the disclosure of the reference to teach or suggest the particular kinds of interface features recited in claim 1 and in the other claims.

It is also notable that the Kane reference lacks any drawings of screen shots, such as the screen shots shown as FIGS. 3-5 and 12-21 in the present application.

To put the applicants’ main point in simple terms, the present invention is all about user interfaces, and yet the reference relied upon by the Examiner has nothing to do with user interfaces. The main thrust of Kane’s disclosure is to take the user out of computerized trading (e.g., day-trading). Note, for example, these statements at column 18, lines 46-47 and 55-56: “The system does not get tired, does not panic, and does not get greedy. ... The system enables a person to make money automatically.”

Kane features trading by “artificial intelligence”—specifically with “intelligent agents” that embody trading rules, vote for purchase or sale of particular securities, and are rated on the ultimate success or failure of the trades the agents vote for. Kane is not about a user interacting with the system.

¹ Applicants note that the Kane reference does not qualify as prior art under 35 USC § 102(b), having been issued after the filing date of this application. Applicants assume that it was the Examiner’s intention rather to rely on § 102(e).

In any case, applicants will now turn to the specific claim language which distinguishes the claims from the Kane reference, and will also now discuss the specific passages in the reference cited by the Examiner which fail to support the Examiner's reliance thereon.

Claim 1 is directed to an "apparatus for a computerized trading system". The claimed apparatus includes "a logic engine comprising an algorithm for implementing a trading strategy" and "an interface comprising a first sub-interface and a second sub-interface". Claim 1 further specifies that "said first sub-interface allows a user to modify said algorithm by changing a mapping between an event and an action", "said second sub-interface allows the user to review details of orders executed by the logic engine" and "said interface allows the user to navigate among said first and second sub-interfaces".

Applicants respectfully submit that the Kane reference does not in any way disclose or suggest a sub-interface that allows a user to modify an algorithm by changing a mapping between an event and an action. In the first place, the reference says nothing at all about mappings between events and actions. Further, no interface is disclosed in the reference to allow a user to change a mapping between an event and an action.

In purporting to read the claimed first sub-interface on the Kane reference, the Examiner referred to the passage at column 12, lines 10-18 of the reference. First of all, applicants note that this passage describes FIG. 9, which is a graphic illustration (akin to a flow chart) of internal operation of trading algorithms, and is not a user interface. Further, this passage says nothing about events or actions or mappings between the two. Finally, and most significantly, nothing in this passage in any way is related to allowing a user to change a mapping between an event and an action. There is nothing whatsoever in this passage about a user taking any action at all. All the activities described in this passage are performed by the program itself. Applicants therefore respectfully contend that this passage cited by the Examiner is completely irrelevant to the claim limitation against which it is cited.

It may also be noted more broadly that there is no teaching at this passage of Kane, or elsewhere therein, of the user modifying a trading algorithm. As discussed above, Kane is directed to an autonomous, self-governing trading program, and does not concern itself with user interactions with a trading program.

Thus, as demonstrated just above, there is at least one limitation of claim 1 which is not disclosed or suggested by the Kane reference. It follows that the rejection of claim 1 as allegedly anticipated by Kane should be reconsidered and withdrawn.

Claims 5, 6, 11, 17 and 18 are dependent on claim 1 and are submitted as patentable on the same basis as claim 1.

The next independent claim, which is claim 12, recites, among other limitations, using a sub-interface to modify a trading algorithm by changing a mapping between an event and an action. As explained above in connection with claim 1, this limitation simply is not present in the Kane reference. Claim 12 should therefore be held patentable, along with its dependent claims 19-21.

Similarly, claim 14 also recites a sub-interface for modifying a trading algorithm by changing a mapping between an event and an action. Again, this limitation has been shown not to be present in the Kane reference. It is respectfully urged that claim 14, and its dependent claims 16 and 22-24, be held patentable on the same basis as claims 1 and 12.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,



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